

Application No. 09/873,751
Amdt. Dated September 9, 2003
Reply to Office action of March 11, 2003

REMARKS/ARGUMENTS

Claims 1-22 remain in this application. Claims 4, 7, 8, 12, 13, 17 and 19 have been amended. Claims 21 and 22 have been canceled.

The specification has been amended to correct the Table reference numbers. Support for these amendments may be found in the header of Tables II, III, V, VI, and VII.

Claims 4, 8, 17 and 19 have been amended to correct grammatical and/or spelling errors. Claims 12 and 13 have been amended to correct claim dependency. The potassium range in claim 7 has been amended to further restrict claim 1. Support for the potassium range can be found on page 5, lines 13-14.

Claims 1-15 have been rejected under 35 USC 103(a) as being unpatentable over Waite et al (US 5,869,459) in view of John Hopkins Press Release, *Zinc Supplements Important in Combating Diarrhea*, November 27, 2000. The John Hopkins Press release teaches that children suffering from acute and persistent diarrhea benefit from ORS and a zinc supplement. The zinc was not an ingredient in the ORS formulation, it was a supplement tablet consumed in addition to the ORS. The Inventors of the instant invention and the Waite et al patent both discuss the difficulties of pediatric compliance with ORS therapy due to the unacceptable taste of electrolytes. Zinc taste characteristics typically include bitter and musty notes as well as an astringent mouth feel (as described in sample 530 and 442 on Table VII of the instant specification). These disagreeable flavor notes were masked in the John Hopkins study by separately administering the zinc in tablet form. One knowledgeable in the art would not be motivated to add another "nasty" tasting mineral to an ORS that already has disagreeable taste, especially since John Hopkins demonstrated that a zinc supplement was successfully administered. In accordance with the present invention, the Inventors discovered that zinc may be incorporated into ORS without adversely affecting the flavor of the ORS. In fact, it is often difficult to differentiate zinc supplemented ORS from conventional ORS in sensory testing (see table VII). The inventors have surprisingly discovered that citric ions blunt the objectionable flavor associated with zinc, even in an unflavored ORS. The Inventors request that the rejection to the above claims be removed and the claims be allowed as amended.

Claims 16-22 have been rejected under 35 USC 103(a) as being unpatentable over Waite et al (US 5,869,459) in view of John Hopkins Press Release, *Zinc Supplements Important in Combating Diarrhea*, November 27, 2000 and Ndife et al. (US 5,489,440). As the Examiner has indicated, rice supplemented ORS's have been described in the literature, specifically Ndife et al. However, Ndife does not teach the addition of zinc to the rice based ORS. The taste concerns associated with zinc discussed above apply to a rice based ORS as well. One having ordinary skill in the art would not be motivated to add an ingredient with poor taste characteristics to a product that is consumed by a child with diarrhea where compliance is of utmost importance. The Inventors request that the rejection to the above claims be removed and the claims be allowed as amended.

Respectfully submitted,

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